



RECEIVED  
AUG 19 2003  
GROUP 1700 Patent  
Attorney's Docket No. 004640-035

#7/BM  
8-21-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Camille Borer et al ) Group Art Unit: 1732  
Application No.: 09/878,345 ) Examiner: Mark Eashoo  
Filed: June 12, 2001 ) Confirmation No.: 2142  
For: PROCESS FOR UPGRADING )  
PLASTIC MATERIAL )  
)  
)  
)  
)

**RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In an Official Action dated July 17, 2003, the Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group I - Claims 1-12; and

Group II - Claim 13-15.

Accordingly, Applicants provisionally elect Group I, the subject matter of Claims 1-12, with traverse. Applicants submit that the restriction requirement is in error. It is believed that in examining the non-elected claims, the Examiner will search the same classes of art as is required to search the invention of the elected claims, resulting in the same references being cited against both of the aforementioned groups of claims.

Attorney's Docket No. 004640-035

Application No. 09/878,345

Page 2

Thus, this restriction will not reduce the workload of the U.S. Patent and Trademark Office or simplify prosecution of the application. As set forth in M.P.E.P. Section 803, there are two criteria for a proper restriction requirement between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there must be a **serious burden** on the Examiner if restriction is not required. This portion of the M.P.E.P. requires that if the search and examination of an entire application can be made without serious burden, the Examiner **must** examine it on the merits, even though it includes claims to distinct or independent inventions.

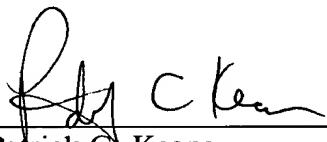
Accordingly, reconsideration and withdrawal of the aforementioned restriction requirement is respectfully requested. The provisional restriction is hereby made without prejudice to Applicants' right to file a divisional application or applications should the restriction requirement becomes final.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: August 18, 2003

By:

  
Patrick C. Keane  
Registration No. 32,858

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620